

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STEPHANIE ROSS,

Plaintiffs,

vs.

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA; and  
DOES 1 to 10, inclusive,

Defendants.

Case No.: 2:17-CV-00312-JLR

Complaint Filed: February 28, 2017

~~PROPOSED~~ ORDER FOR DE NOVO  
STANDARD OF REVIEW

JLR

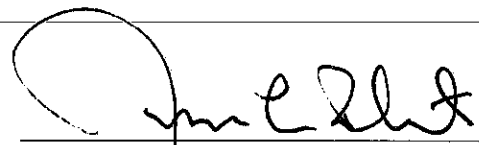
MCKENNON  
LAW GROUP PC

(Dkt. #19)

Pursuant to the stipulation of the parties, and for good cause appearing, it is hereby ordered that this Court shall apply a *de novo* standard of review to Defendant The Prudential Insurance Company of America's ("Prudential") decision to deny Plaintiff Stephanie Ross' ("Ross") claim for long-term disability benefits at issue in this case, including without limit at trial, on summary judgment and in all other proceedings and hearings. Notwithstanding, Prudential reserves its right to assert that the abuse of discretion standard applies to its denial decision if, prior to the deadline for the parties to file their opening trial briefs in this action, (1) the Ninth Circuit grants a rehearing or a rehearing *en banc* in *Orzechowski v. Boeing Co. Non-Union Long-Term Disability Plan*, No. 14-55919, 2017 WL 1947883, \_\_ F.3d \_\_ (9th Cir. May 11, 2017); or (2) the United States Supreme Court grants *certiorari* in: (a) *Orzechowski*, or (b) another case that affects the Ninth Circuit's holding or analysis in *Orzechowski*. In the event that Prudential elects to assert that the abuse of discretion standard applies, Prudential will promptly notify Ross of its intent and, moreover, Ross will then have the right to file a motion to determine the proper standard of review in this case even if the dispositive motion deadline has passed.

IT IS SO ORDERED.

Dated: 29 May 2017

  
Honorable James L. Robart  
United States District Court Judge



**CERTIFICATE OF SERVICE**

Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 25th day of May, 2017, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

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Executed on the 25th day of May 2017, at Newport Beach, California.

  
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Debi Cartee

